

MELINDA HAAG (CABN 132612)  
 United States Attorney  
 J. DOUGLAS WILSON (DCBN 412811)  
 Chief, Criminal Division  
 MATTHEW J. KLUGE (PABN 204285)  
 Trial Attorney, Tax Division  
 11th Floor Federal Building  
 450 Golden Gate Avenue, Box 36055  
 San Francisco, California 94102  
 Telephone: (415) 436-7017  
 Telefax: (415) 436-7009  
 E-Mail: matthew.j.kluge@usdoj.gov  
 Attorneys for Plaintiff

FILED IN THE  
 CLERK OF COURT  
 U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

UNITED STATES OF AMERICA,	)	No. 13-CR-181-RMW
	)	
Plaintiff,	)	STIPULATION TO CONTINUE
	)	SENTENCING HEARING and
v.	)	<input type="checkbox"/> ORDER
	)	
RICHARD M. ANELLO,	)	
	)	
Defendant.	)	

Defendant Richard M. Anello entered a guilty plea before this Court on April 22, 2013. The Court scheduled a sentencing hearing for July 29, 2013. For the reasons that follow, the parties now stipulate and request that this Court continue the sentencing hearing for three months, to November 4, 2013.

The terms of Mr. Anello's plea agreement require him to cooperate with the United States Attorney's Office. Specifically, Mr. Anello is cooperating in the case United States v. Brenda Kibbee, 12-00701-DLJ, which is currently pending in this district. A further status hearing is scheduled in United States v. Kibbee for August 1, 2013. At this time, the government does not know whether the case against Ms. Kibbee will proceed to trial or will result in a guilty plea. Therefore, it is not known whether Mr. Anello will be called to testify in that matter as part of his cooperation. In any event, as Mr. Anello's plea agreement contemplates that his sentencing will be continued until his cooperation has been completed, the parties hereby jointly request that the

1 sentencing hearing be continued from July 29, 2013 to November 4, 2013. As the November 4,  
2 2013 date approaches, if Mr. Anello's cooperation is still not completed, the parties anticipate  
3 seeking a further continuance on the sentencing hearing.

4 In addition, the parties' believe that this matter has not been referred to U.S. Probation for  
5 the preparation of a Presentence Investigation Report (PSR). The parties agree that it would be  
6 appropriate at this time for U.S. Probation to begin to prepare the PSR, and hereby respectfully  
7 request that the Court refer this matter to U.S. Probation for the preparation of such report.

8 A proposed Order is attached.

9  
10 SO STIPULATED:

11  
12 MELINDA HAAG  
13 United States Attorney

14 DATED: 7/11/2013

15 s/ Matthew J. Kluge  
16 MATTHEW J. KLUGE  
17 Trial Attorney

18 Attorneys for the United States

19 DATED: 7/11/2013

20 s/ Basil Boutris  
21 BASIL BOUTRIS  
22 Attorney for Richard M. Anello  
23  
24  
25  
26  
27  
28

MELINDA HAAG (CABN 132612)  
 United States Attorney  
 J. DOUGLAS WILSON (DCBN 412811)  
 Chief, Criminal Division  
 MATTHEW J. KLUGE (PABN 204285)  
 Trial Attorney, Tax Division  
 11th Floor Federal Building  
 450 Golden Gate Avenue, Box 36055  
 San Francisco, California 94102  
 Telephone: (415) 436-7017  
 Telefax: (415) 436-7009  
 E-Mail: matthew.j.kluge@usdoj.gov  
 Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION


UNITED STATES OF AMERICA,	)	No. 13-CR-181-RMW
	)	
Plaintiff,	)	] ORDER
	)	
v.	)	
	)	
RICHARD M. ANELLO,	)	
	)	
Defendant.	)	
	)	

Pursuant to the parties' stipulation, and for good cause shown therein, the Court finds that a continuance of the sentencing hearing in this matter is warranted.

IT IS ORDERED that the sentencing hearing shall be continued to November 4, 2013 at 9:00 a.m.

IT IS FURTHER ORDERED that this matter shall be referred to U.S. Probation for the preparation of a Presentence Investigation Report (PSR).

DATED: July 24, 2013

  
 Hon. RONALD M. WHYTE  
 United States District Judge